

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

VINCENT P. MONA

Plaintiff,

v.

DAVID F. MCKAY

Defendant.

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Civil Action No. PJM-21-01017
Judge Peter J. Messitte

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PLAINTIFF’S STATUS REPORT

COMES NOW the Plaintiff, Vincent P. “Cap” Mona (“Plaintiff” or “Mr. Mona”), by and through his attorneys, and submits the following Status Report pursuant to the Scheduling Order issued October 15, 2021:

A. Discovery is not completed. Consistent with this Court’s Memorandum (Dkt. 36) the parties have pursued discovery with vigor and conducted or participated in six depositions over the past four weeks. The Plaintiff has also actively pursued necessary, subpoena-related discovery from third parties to no avail. As a result of the subpoenaed third parties’ failure to provide discovery, the Plaintiff was forced to file a Motion to Compel. Out of an abundance of caution, pending the Court’s ruling on the Motion to Compel, the Plaintiff has reserved his right to re-call the Defendant if the Court rules favorably on the pending Motion and the documents are obtained.

B. The Plaintiff currently has a Motion to Compel and Motion for Cost pending. (Dkt. 52). The Motions are filed against third parties who were duly served with subpoenas, acknowledged said service and have refused to provide any of the documents sought. The Motion to Compel and Motion for Cost has been served on the subpoenaed third parties.

C. Once discovery is completed, the Plaintiff anticipates filing a Motion for Summary Judgment.

D. The case is a jury trial. The trial is expected to take eight to twelve days.

E. Since the Plaintiff's previous Status Report (Dkt. 31) the undersigned counsel have been pursuing discovery with vigor and have not had any further settlement discussions with Defendant's counsel, Paul J. Maloney. Once discovery is completed, including obtaining the subpoenaed documents, the parties will be in a better position to conduct further serious settlement negotiations.

F. Plaintiff is amenable to participate in settlement and/or ADR with another Judge of this Court, either before or after resolution of any dispositive pretrial motions.

G. Plaintiff does not consent to having a Magistrate Judge conduct further proceedings, except a settlement conference and/or ADR.

H. Plaintiff asserts that discovery in this matter should be extended for up to 30 days after this Honorable Court issues an Order deciding Plaintiff's Motion to Compel, to which the Defendant has not yet objected. Both parties anticipate at least 8 days of trial and judicial economy dictates that all discovery be completed to facilitate an efficient jury trial.

Dated: December 13, 2021

/s/ Dennis Whitley, III

Dennis Whitley, III

SHIPLEY & HORNE, P.A.

1101 Mercantile Lane, Ste 240

Largo, MD 20774

Tel: (301) 925-1800

Email: dwhitley@shpa.com

Attorney for Plaintiff

/s/ Adam S. Taylor, Esq.

Adam S. Taylor, Esq.
MD PHV Bar ID: 815772
Taylor, McCormack & Frame, LLC
267 Commercial Street
Portland, ME 04101
Tel. (207) 828-2005
Email: ataylor@tmfattorneys.com
Attorney for Plaintiff
Admitted pro hac vice

/s/ Timothy R. Dudderar, Esq.

Timothy R. Dudderar, Esq.
Potter, Anderson & Corroon, LLP
1313 North Market Street
Wilmington, DE 19801
Tel. (302) 984-6000
Email: tdudderar@potteranderson.com
Attorney for Plaintiff
Admitted pro hac vice

/s/ Aaron R. Sims, Esq.

Aaron R. Sims, Esq.
Potter, Anderson & Corroon, LLP
1313 North Market Street
Wilmington, DE 19801
Tel. (302) 984-6000
Email: asims@potteranderson.com
Attorney for Plaintiff
Admitted pro hac vice

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of December, 2021 a copy of the foregoing Plaintiff's Status Report was provided electronically in accordance with and directly from CM/ECF filing requirements to:

Paul J. Maloney
John Peter Glaws, IV
Carr Maloney P.C.
2000 Pennsylvania Avenue, NW, Suite 8001
Washington, D.C. 20006
Counsel for Defendant

/s/ Dennis Whitley, III

Dennis Whitley, III